

Notice of Allowability

Application No.

10/781,098

Examiner

Jacob Y. Choi

Applicant(s)

CULL ET AL.

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/9/2006.
2. ☒ The allowed claim(s) is/are 15-19, 22, 31-35 and 37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date June 8, 2006
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with S. Jared Pitts on June 9, 2006.

The application has been amended as follows:

- a. Cancel claims **23, 24, 25, 26, 27, 28, 29 and 30**.
- b. Amend claim **16** – The tubular fluorescent lamp of claim 44 15 wherein the first plurality of legs and second plurality of legs are substantially parallel.
- c. Amend claim **18** – The tubular fluorescent lamp of claim 44 15 wherein each of the plurality of legs includes an aperture facing the first side.
- d. Amend claim **22** – The tubular fluorescent lamp of claim 44 15 further comprising a first cathode at a first end on the tubular fluorescent lamp and second cathode at a second end of the tubular fluorescent lamp.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance: independent claims 15 and 31 recites "*A tubular fluorescent lamp comprising a first plurality of legs*

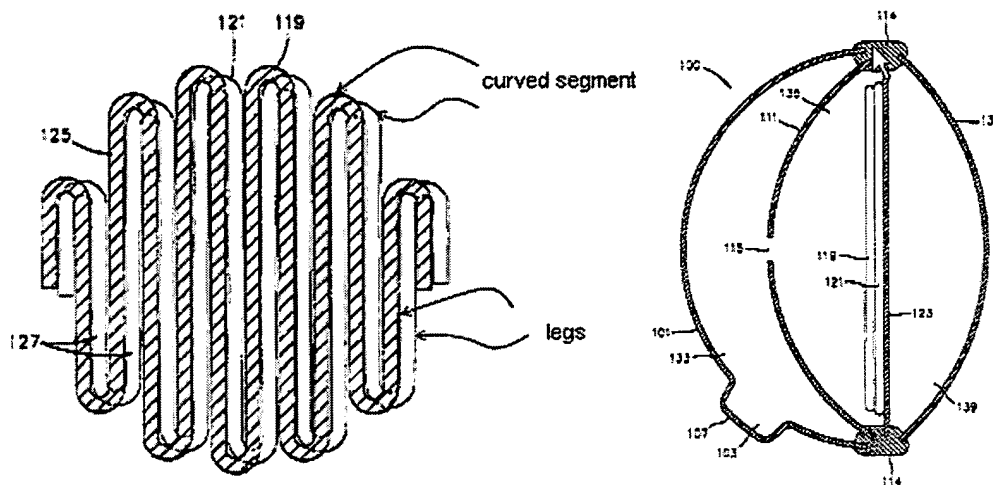
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and a first plurality of curved segments, each of the first plurality of curved segments arranged between a pair of the first plurality of legs, the first plurality of legs and the first plurality of curved segments arranged such that at least three successive legs in the first plurality of legs reside in a first plane, and a second plurality of legs and a second plurality of curved segments, each of the second plurality of curved segments arranged between a pair of the second plurality of legs, the second plurality of legs and the second plurality of curved segments arranged such that at least three successive legs in the second plurality of legs reside in a second plane different from said first plane, and wherein said second plane is substantially parallel with said first plane, and wherein the first plurality of legs is interdigitated with the second plurality of legs to create a continuous lamp surface along a first side of the florescent lamp, and wherein the first side is substantially parallel with the first plane".

Shaffer (USPN 5,775,801) teaches first neon light source having a first plurality of legs (e.g., 119 or 121) and a first plurality of curved segments (e.g., Figures 3A & 3B), each of the first plurality of curved segments arranged between a pair of the first plurality of legs, the first plurality of legs and the first plurality of curved segments arranged such that at least three successive legs in the first plurality of legs reside in the first plane, and second neon light source having a second plurality of legs (e.g., 121 or 119) and a second plurality of curved segments, each of the second plurality of curved segments arranged between a pair of the second plurality of legs, the second plurality of legs and the second plurality of curved segments arranged such that at least three successive legs in the second plurality of legs reside in a second plane different from

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the first plane, and wherein the second plane is substantially parallel with the first plane, and wherein the first plurality of legs is interdigitated/continuous lamp surface (e.g., Figure 3B) with the second plurality of legs to create a continuous lamp surface along a first side of the neon lamp, and wherein the first side is substantially parallel with the first plane.



Applicant's arguments, see pages 3-5 of 'Pre-Appeal Brief Request for Review', filed March 09, 2006, with respect to claims 15-19, 22, 31-35 and 37 have been fully considered and are persuasive (e.g., "...Applicant's submit that because the term is referenced in the body of the claims, the term "the fluorescent lamp" must be given proper patentable weight ... applicants submit that the limitations of the claim taken together in there entirety clearly define legs and curved segments that are part of single lamp ... etc."). The claim rejections - 35 USC § 102 of December 09, 2005 has been withdrawn. Because none of the references disclosed the teachings of featured limitation(s), nor is there any motivation to combine them, the claims are deemed patentable over the prior art of record.

Claims **15-19, 22, 31-35 and 37** are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ridders (USPN 4,772,819) – compact high efficacy fluorescent lamp

Klein et al. (USPN 4,853,591) – multiple-tube compact low-pressure discharge fluorescent lamp (e.g., Figure 4)

Fohl et al. (USPN 4,786,841) – low-pressure arc discharge lamp having increased surface brightness (e.g., Figure 8)

Hitzschke et al. (USPN 6,762,549) – discharge lamp for dielectrically impeded discharges with a arrangement of support elements


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC



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